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Attorney for Plaintiffs

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WESTERN WATERSHEDS PROJECT and
the CENTER FOR BIOLOGICAL
DIVERSITY,
Plaintiffs,

v.

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF LAND MANAGEMENT,
JARED BYBEE in his official capacity as
Field Manager of the Bureau of Land
Management Bristlecone Field Office, and
ALICIA STYLES, in her official capacity
as Acting Field Manager of the Bureau of Land
Management Caliente Field Office,

Defendants.

Case No. 2:23-cv-435-CDS-DJA

**JOINT DISCOVERY PLAN AND
SCHEDULING ORDER**

As amended on page 5

Pursuant to this Court's Order requiring the parties to submit a Discovery
Plan/Scheduling Order (ECF #10), Fed. R. Civ. P. 26(f), and Local Rule 26-1, counsel for

1 Plaintiffs and Federal Defendants met and conferred on June 22 and July 11, 2023, via
2 telephone and jointly propose the following discovery plan and briefing schedule in this matter.
3

4 **Discovery Plan:**

- 5 1. Initial Disclosures: Plaintiffs bring claims under the National Environmental Policy Act
6 (NEPA), 42 U.S.C. §§ 4321–4370h, the Federal Land Policy and Management Act
7 (FLPMA), 43 U.S.C. § 1701-1787, and the Administrative Procedure Act (APA),
8 5 U.S.C. §§ 701–706, challenging Federal Defendants’ decision to approve the South
9 Spring Valley and Hamlin Valley Watershed Restoration Plan. The parties agree that
10 these claims shall be resolved following the lodging and review of an administrative
11 record. This case is therefore exempt from initial disclosures under Fed. R. Civ. P.
12 26(a)(1)(B)(i).
13
14 2. Amending the Pleadings and Adding Parties: Plaintiffs filed their Complaint on
15 March 23, 2023. Plaintiffs do not expect to add any additional parties. At this time,
16 Plaintiffs believe it unlikely they will seek to further amend the pleadings but cannot
17 rule it out until after the administrative record is lodged. Federal Defendants answered
18 the Complaint on June 2, 2023. Federal Defendants do not presently anticipate
19 amending their pleadings other than to respond to any amendment by Plaintiffs.
20
21 3. Discovery: This case will be decided on an administrative record. Consequently, the
22 parties do not anticipate conducting fact discovery or expert discovery.
23
24 4. Electronically Stored Information: Federal Defendants plan to lodge the administrative
25 record with the Court on electronic media, such as a DVD or USB drive.
26
27

- 1 5. Issues Related to Privilege or Protection: Because this case will be decided on an
2 administrative record, the parties do not anticipate seeking entry of a protective order in
3 this matter.
- 4 6. Dispositive Motions: The parties agree that this case will be resolved on cross motions
5 for summary judgment after resolution of Plaintiffs' anticipated motion for preliminary
6 injunction.
- 7 7. Pretrial Order and Disclosures: The parties agree that this case will be resolved on cross
8 motions for summary judgment and therefore pretrial disclosures and a pretrial order
9 will not be necessary.
- 10 8. Alternative Dispute Resolution: The parties certify that they have met and conferred
11 about the possibility of using alternative dispute-resolution processes to resolve this
12 case.
- 13 9. Alternative Forms of Case Disposition: The parties certify that they considered consent
14 to trial by a magistrate judge under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73 and the
15 use of the Short Trial Program but that these are not applicable to this case.
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20 **Proposed Briefing Schedule**

21 Plaintiffs anticipate filing a motion for preliminary injunction before the first
22 implementation of the South Spring Valley and Hamlin Valley Watershed Restoration Plan,
23 which will begin on or after October 1, 2023. The parties met and conferred and jointly
24 propose the following briefing schedule:

- 25 A. Plaintiffs shall file their motion for preliminary injunction by no later than
26 August 23, 2023.
27

1 B. Federal Defendants shall file their opposition to Plaintiffs' motion by no later than
2 September 6, 2023.

3 C. Plaintiffs shall file their reply in support of their motion by no later than
4 September 13, 2023.

5 Upon resolution of Plaintiffs' motion for preliminary injunction, the parties agree to meet and
6 confer again to discuss a schedule for lodging the administrative record and briefing the merits.
7 The parties will file a new proposed briefing schedule within two weeks of the Court's order
8 on Plaintiffs' motion for preliminary injunction.
9

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11 Respectfully submitted this 15th day of July, 2023.

12
13 TODD KIM
14 Assistant Attorney General

15 /s/ Daniel Luecke
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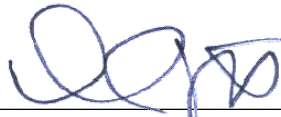
1 Having reviewed the parties' stipulated discovery plan, the Court notes that it is missing certain
2 deadlines necessary to governing the case progression. While the Court recognizes that the
3 parties do not anticipate conducting discovery and thus wish to forego discovery deadlines, the
4 parties have indicated that they may amend their pleadings and file dispositive motions.
5 Deadlines with calendar dates governing these events is thus necessary. The Court calculates the
6 deadlines below in accordance with Local Rule 26-1.

7 **IT IS THEREFORE ORDERED** that the parties' stipulated discovery plan is **GRANTED IN**
8 **PART AND DENIED IN PART**. It is denied in part regarding the plan's exclusion of a
9 deadline to amend pleadings or add parties and for dispositive motions. It is granted in part in all
10 other respects.

11 **IT IS FURTHER ORDERED** that the deadline to amend pleadings or add parties shall be
12 **August 31, 2023**.

13 **IT IS FURTHER ORDERED** that the dispositive motion deadline shall be **December 29, 2023**.

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DANIEL J. ALBRECHTS
UNITED STATES MAGISTRATE JUDGE

DATED: July 24, 2023

CERTIFICATE OF SERVICE

I hereby certify that on July 15th, 2023, I electronically filed the foregoing using the CM/ECF system, which will automatically send email notification to the attorneys of record.

/s/ Daniel Luecke
DANIEL LUECKE